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- **Stalzer, Mark A.**
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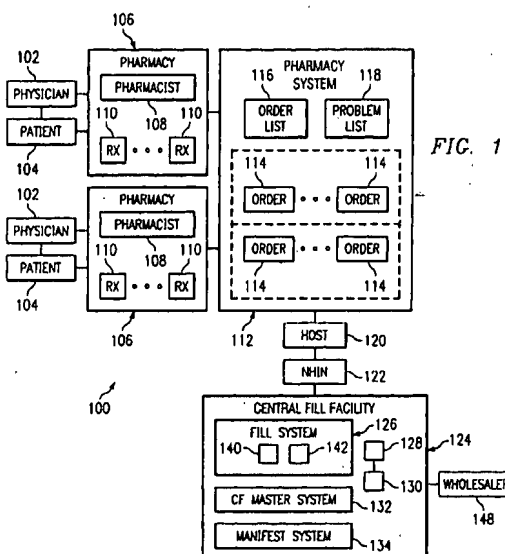
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(54) **System and method for prescription management and delivery**

(57) A method and system for prescription management is described. At least one prescription is received at a pharmacy and an order associated with at least one of the prescriptions is generated. A shipping location associated with the order is determined and the order is communicated to a central fill facility for filling the prescriptions associated with the order. A cost associated with the order is received from the central fill facility. The cost includes a shipping cost and an order cost. Payment is settled for the order based on the cost. In one embodiment, the prescription is filled with the prescribed drug at the central fill or a remote third-party facility for delivery of the drug to a location designated by the patient on behalf of, but independent of, the designated pharmacy.



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EUROPEAN SEARCH REPORT

Application Number
EP 03 25 8134

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 5 771 657 A (LASHER ET AL) 30 June 1998 (1998-06-30) * column 3, line 60 - column 15, line 64 * -----	1-46	G06F19/00 G06F17/60
X	WO 01/59669 A (GENERAL MILLS, INC; FROSETH, BARRIE, R; BOWERS, RAYMOND; DICKSON, KATY) 16 August 2001 (2001-08-16) * figures 1,17 * * page 16, line 15 - page 27, line 24 * * page 69, line 1 - line 30 * -----	1-46	
A	WO 01/71575 A (SIEMENS PRODUCTION AND LOGISTICS SYSTEMS AG; ROSENBAUM, WALTER; REICH,) 27 September 2001 (2001-09-27) * the whole document * -----	11,27, 28,30, 31,40,41	
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A	"Productivity Systems and Connectivity" COMPUTER TALK FOR THE PHARMACIST, [Online] May 2001 (2001-05), pages 1-5, XP002338150 Retrieved from the Internet: URL:http://www.pdxinc.com/news/articles/Ma yJune_coverstory.pdf> [retrieved on 2005-07-25] * the whole document * -----	1-46	TECHNICAL FIELDS SEARCHED (Int.Cl.7) G06F B65G
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The present search report has been drawn up for all claims			
Place of search Munich		Date of completion of the search 28 July 2005	Examiner Hopper, E
CATEGORY OF CITED DOCUMENTS X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document	

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EPO FORM 1503 (03.02) (P/M/C/O1)



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A	WO 00/44649 A (ST. ONGE COMPANY) 3 August 2000 (2000-08-03) * page 9, line 3 - line 8 * * page 37, line 16 - page 38, line 21 *	9	
A	WO 98/09598 A (MERCK & CO., INC) 12 March 1998 (1998-03-12) * abstract * * pages 3,6 *	28,45,46	
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Place of search Munich		Date of completion of the search 28 July 2005	Examiner Hopper, E
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EPO FORM 1503 03.02 (P44C01)

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 03 25 8134

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
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28-07-2005

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EPO FORM P0459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82



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Application No. 03 258 134.0 - 2221	Ref. JL4151	Date 19.04.2006
Applicant PDX, Inc.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

ITEM
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from the notification of this communication, this period being computed in accordance with Rules 78(2) and 89(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Hopper, E
Primary Examiner
for the Examining Division

Enclosure(s): 4 page/s reasons (Form 2906)



Beschuld/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date

19.04.2006

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Anmelde-Nr.:
Application No.: 03 258 134.0
Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

1-50 as originally filed

Claims, Numbers

1-46 as originally filed

Drawings, Sheets

1/10-10/10 as originally filed

1. The following documents cited in the Search Report are referred to in this communication:
 - D1: WO 01/59669 A (GENERAL MILLS, INC; FROSETH, BARRIE, R; BOWERS, RAYMOND; DICKSON, KATY) 16 August 2001 (2001-08-16)
 - D2: WO 00/44649 A (ST. ONGE COMPANY) 3 August 2000 (2000-08-03)
 - D3: WO 98/09598 A (MERCK & CO., INC) 12 March 1998 (1998-03-12)

2. Rule 29(2) EPC

The present claim set contains multiple independent claims in the same category, viz:
 system claims: 1, 11, 27, 30, 40, 44, 45;
 method claims: 4, 12, 28, 31, 41.

Thus, the set of claims does not fulfill the requirements of Article 84 EPC (conciseness) in combination with Rule 29(2) EPC. Should the applicant insist on having more than one independent claim in a particular category, he is requested to convincingly demonstrate that all the additional independent claims come under one of the exceptions set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC.

Article 56 EPC**3.1 Independent Claim 1**

The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 56 EPC.

- a. D1, which is regarded as the closest prior art, discloses a system for filling [orders] (p. 16, lines 16 - 22) comprising:
 software stored on a computer readable medium and operable to (p. 20, line 20 - p. 31, line 2):



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

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Anmelde-Nr.:
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Demande n°:

- receive an order from a customer (p. 33, lines 3 - 4), the order having a shipping location and at least one set of order information (p. 69, lines 1 - 30; Fig. 17);
 - generate at least one order label based on the order (p. 21, lines 3 - 7);
 - determine a shipping cost associated with the order based on the shipping location (p. 69, lines 23 - 24; Fig. 17);
 - determine a cost for the order based on the shipping cost and the order (p. 69, lines 23 - 24; Fig. 17);
 - ship the order to the shipping location (p. 27, lines 9 - 14).
- b. The subject-matter of claim 1 differs from D1 in that
- the order is a prescription;
 - the customer is a pharmacy;
- c. These distinguishing features merely concern non-technical features. Features which cannot be seen to make any contribution, either independently or in combination with other features, to the solution of a technical problem are not relevant for assessing inventive step (Guidelines, C IV, 9.8.2).

As claim 1 does not define any technical distinguishing features over the prior art, no objective technical problem can be identified. Therefore, the claimed subject-matter does not satisfy the requirement for an inventive step because there is no technical contribution to the prior art (Article 56 EPC). The same applies to system claim 44.

3.2 Dependent Claims 2 - 3 and 7 - 10

- a. The additional technical features of claim 2, i.e. label application and dispensing of a product into a container are known D1 (p. 21, lines 3 - 7).
- b. The additional technical features of claim 3, i.e. packing of the container and shipping label application are known D1 (p. 21, lines 23 - 24).
- c. Claim 7: The content of the label merely relates to cognitive information and does therefore not provide a technical contribution over the prior art. Hence, no inventive step can be acknowledged for the subject-matter of claim 7.
- d. The additional technical features of claim 8, i.e. (electronic) communication with the customer is known from D1 (p. 69, lines 1 - 8; p. 17, lines 10 - 20).



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Anmelde-Nr.:
Application No.: 03 258 134.0
Demande n°:

- e. The additional features of claim 9 merely concern a commercial procedure, i.e. the determination of the shipment provider on cost basis. Provided with the commercial specification the skilled person (i.e. computer programmer) would modify the system of D1 in order to implement said commercial routine applying merely ordinary programming skills. Hence, no inventive step can be acknowledged for the subject-matter of claim 9. Further to that, the implementation of such commercial procedures on order fulfillment systems is known from the prior art (see e.g. D2, p. 37, line 16 - p. 38, line 28).
- f. Claim 10: Cost calculation merely concerns a commercial procedure. The technical implementation of this on the data processing system of D1 would not require an inventive step (see also reasoning for claim 9).

3.3 Method Claims

In the light of the description (p. 32, lines 5 - 8), independent method claim 4 defines a computer-implemented method for operating the system defined in claim 1. As all the features of claim 4 correspond to the features of claim 1, the subject-matter of claim 4 does not involve an inventive step for the same reasons as claim 1. The same applies to dependent method claims 5 and 6.

4. Independent System Claim 11

- a. The subject-matter of claim 11 differs from the closest prior art (D1) in that
- A. the order is a prescription;
 - B. the vendor (pharmacy) transmits the order to a wholesaler (central fill) for order filling;
 - C. settlement payment;
- b. Feature A does not define technical features and is therefore not relevant for assessing the inventive step (see also reasoning for claim 1).
- c. The fact that the order is not filled by the vendor himself, but rather is rather delegated to a wholesaler (feature B) defines a purely commercial idea and forms part of the underlying business procedure.

The underlying business-related aspects of the order filling method are not relevant for assessing inventive step. The method may therefore be described in the problem to be solved and is considered as a non technical specification that is provided to the person skilled in the



Bescheld/Protokoll (Anlage)

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Anmelde-Nr.:
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Demande n°:

art of data processing such that the skilled person may provide an automated version of the method.

An objective technical problem to be solved may be considered as how to implement the business method in the data processing system of D1.

The skilled person presented with the above problem and the requirements specification would solve the problem by providing all functions described in the requirements specification through use of standard programming techniques without the application of an inventive step.

- d. Feature C: The payment settlement routine forms part of said requirement specification. Similarly, the skilled person would implement a payment settlement routine by solely applying standard programming techniques when provided with specification of business routine.
 - e. In view of the above, the subject-matter of claim 11 does not involve inventive step (Article 56 EPC). The same applies to the corresponding method claim 12 and independent claims 27, 30, 31, 40 and 41.
5. Independent Claims 28, 45 and 46
Systems which are capable of filling a plurality of different orders (simultaneously) are known from the prior art (see e.g. D3, p. 3, 6) and would not require an inventive step when implemented into the system of D1 (Article 56 EPC).
6. It is not at present apparent which part of the application could serve as a basis for an amended, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the amended claim vis-à-vis the state of the art and the significance thereof.

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Date

22.08.05

Reference JL4151	Application No./Patent No. 03258134.0 - 2201 PCT/
Applicant/Proprietor PDX, Inc.	

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report (under R. 44 or R. 45 EPC) for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division :

☒ Abstract ☒ Title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract : 1

Refund of search fee

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





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